

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

Jarrell Fullilove /

Case Number: 08-20448

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

✓ (1) I find that:

- ✓ there is probable cause to believe that the defendant has committed an offense
- ✓ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- ☐ under 18 U.S.C. § 924(c).

✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

☐ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

☐ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense - Large scale drug distribution conspiracy; Sale of stolen firearm; Possession with intent to deliver cocaine; Distribution of more than 5 grams cocaine base.
- ✓ (b) weight of the evidence - Strong evidence, including sale of cocaine to undercover officer.
- ✓ (c) history and characteristics of the defendant -
 - ✓ 1) physical and mental condition - No health issues.
 - ✓ 2) employment, financial, family ties - Has family ties; poor employment record; no assets.
 - ✓ 3) criminal history and record of appearance - One felony drug conviction ('07); two misdemeanor convictions reduced from felony obstruction charge ('00); one misdemeanor theft conviction.

☐ (d) probation, parole or bond at time of the alleged offense -

☐ (e) danger to another person or community -

Two of the four counts against this defendant (Counts 1 & 13) give rise to a statutory presumption of flight risk and danger to the community. Defendant has failed to rebut those presumptions. The indictment constitutes probable cause, and the evidence includes the sale of over 6 grams of crack cocaine to a police officer. The sale of stolen firearm and the distribution of crack cocaine constitute a danger to the community. Defendant faces a mandatory minimum of 20 years on Count One and ten years on Count 13. Thus the defendant has a substantial motivation to flee. His criminal history gives me no confidence that he will appear for trial or comply with bond conditions. I disagree with the Pretrial Services recommendation, and conclude that defendant should be detained.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: August 27, 2008

s/Donald A. ScheerSignature of JudgeDonald A. Scheer, United States Magistrate JudgeName and Title of Judge